

## **MEETING MINUTES**

### **MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, June 24, 2015**

- I. PLEDGE OF ALLEGIANCE**      **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE**      **Commissioners**  
**Present:**      Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat, Demetress Morris, Hon Lien, Ray Maglalang, Alternate Member Zeya Mohsin  
  
**Absent:**      None  
  
**Staff:**      Bill Ekern, Mike Ogaz, Tracy Tam, Darryl Boyd, Adam Petersen
- III. PUBLIC FORUM**      **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES**      **Chair Mandal** called for approval of the June 10, 2015 meeting minutes of the Planning Commission.  
  
**Motion** to approve Planning Commission meeting minutes as submitted.  
**Motion/Second:**      Commissioner Sandhu /Commissioner Madnawat  
**AYES:**      7  
**NOES:**      0
- V. ANNOUNCEMENTS**      Planning Director Bill Ekern remarked on the agenda item for the Al Hilaal Mosque with a request to be continued to July 8. Chair Mandal replied that this could be addressed at Approval of Agenda No. VII.  
  
Vice Chair Ciardella commented that he had spoken to a few people about the mosque: Mark Tiernan and Zeya Mohsin.  
  
Commissioner Sandhu announced a Punjabi Festival on June 28 at the Milpitas Sports Center with cultural events, food and sports activities for the community to enjoy. It will be similar to last year's event and all were invited.  
  
Commissioner Madnawat referred to the balcony that fell recently in Berkeley resulting in tragic deaths. This caused him to urgently request that homeowners and property owners get all balconies checked in Milpitas.  
  
Commissioner Maglalang was shopping recently with family for a new house and came to the Trade Zone development. He asked to see model homes, but

there were none yet though several homes had been sold already. He asked if this was standard procedure and whether model homes were required to be ready to show potential home buyers. Chair Mandal asked staff to get back to Commissioners later on that question.

## **VI. CONFLICT OF INTEREST**

**City Attorney Mike Ogaz** asked if any member of the Commission had any personal or financial conflict of interest related to any of the agenda items.

Alternate Member Mohsin stated she would recuse herself from the mosque item IX-3 (when discussed) due to conflict.

## **VII. APPROVAL OF AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda.

Planning Director Ekern informed Commissioners that the applicant for the Mosque and Community Center (Agenda Item No. IX-3) requested a continuance to July 8 meeting and if Commissioners agreed, there would be no need to re-notice the public hearing.

**Motion** to approve the June 24, 2015 agenda, as amended

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

## **PUBLIC HEARINGS**

**IX-1 PURE KARAOKE – 1297 E. Calaveras Boulevard – UP15-0004:** a request for a Conditional Use Permit to allow for operation of 3,310 square foot karaoke establishment with no alcohol and no cooking facilities within an existing commercial building.

Project Planner Tracy Tam provided an overview of the proposed “Pure Karaoke” establishment at the Victorian Square shopping center on Calaveras Blvd. In 1978, the City approved three commercial buildings on that site. Karaoke would be offered with no alcohol sales and no cooking, though soft drinks and snacks would be for sale. She defined the proposed hours of operation, to which one notified nearby property owner had expressed concern for noise after 10:00 PM.

Commissioner Madnawat asked if there were any other karaoke places in the City and staff said yes, at Ulferts Center in southeast section of Milpitas. It had some problems and complaints related to underage drinking. There were no noise complaints and that one is not located next to residential neighborhood.

Chair Mandal asked the number of staff that would be on site while the place was open. Staff responded there would be two to four staff, when open.

Commissioner Maglalang inquired about walls and soundproofing, so that the next door businesses would not be affected.

Vice Chair Ciardella asked if there was a window for staff to look in on the individual rooms where the karaoke would take place. Staff replied yes and it was a condition of approval to require those windows.

Sherman Yan came forward as the architect of the karaoke project and described the set up of the facility. He emphasized there was no alcohol on the premises for sale nor allowed.

Commissioner Morris asked if rooms were soundproof and Mr. Yan said yes. She asked about how customers would be charged or the fee structure.

Commissioner Sandhu asked if there would be live music or a band.

A young man named Joe (applicant) replied to the Commission there would be no live band or live music. He explained that there would be no DJ, rather a group would go into a room, and pay by the amount of time used in that karaoke room.

Commissioner Madnawat asked how he planned to prohibit alcohol especially for under age customers. The applicant explained that customers must sign a form stating they understand the no alcohol policy, staff would check in on studios, and then a fine would be assessed on those who break the rules.

Chair Mandal urged keeping the outside area in front of that business nice and clean for entry. That would be more attractive with cleanliness and green plants stressed.

Commissioner Lien wanted to know the size of the largest room on site. The applicant said it was 220 sq. ft. for 10-12 people. If more than 12 come in to the karaoke facility, they would have to split the group into two or more rooms then.

Chair Mandal then opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu / Commissioner Maglalang

AYES: 7

NOES: 0

**Motion** to adopt Resolution No. 15-020 approving Conditional Use Permit No. UP15-0004 to operate a 3,310 square foot karaoke establishment with no alcohol and no cooking facilities within an existing commercial building located at 1297 East Calaveras Boulevard, subject to findings and Conditions of Approval.

Motion/Second: Commissioner Madnawat / Commissioner Maglalang

AYES: 7

NOES: 0

## IX-2

**SOBEK SWIMMING POOL – 1506 Augusta Court – SD15-0003:** a Site Development Permit request to construct a new in-ground swimming pool and spa for an existing single-family residence located on a 5-acre lot with a zoning designation of Single-Family Residence with Hillside Combining District (R1-H).

Project Planner Darryl Boyd provided an overview of the proposed swimming pool and spa at the Sobek residence on Augusta Court in the Summit Pointe neighborhood. Due to the size of lot, and building permit requirements, this matter must come to the Planning Commission and the City Council before it could be fully approved. He defined how the

proposal would meet existing hillside development standards. He discussed use of potable water and recent ordinances by City Council prohibiting new pools at a time of drought.

He described two additional conditions of approval no. 19 and no. 20 regarding water conservation, to be added to the resolution for approval of the pool and spa. When filled, pool water would come from another supplier (delivered water) not the City of Milpitas.

Commissioner Madnawat asked about the double approval process. City Attorney Mike Ogaz explained the extra step to go to City Council for approval after the Planning Commission voted its approval. It had to do with hillside matters requiring both.

Commissioner Madnawat asked how staff would monitor the 30% water use reduction, as required. Planning Director Ekern replied the City did monitor water use at all properties, and could monitor at this address specifically and contact the owner if not reaching the required goal for conservation.

Mr. Ogaz commented on the question by Mr. Madnawat, and suggested the Commission eliminate the condition of approval for 30% reduction since that was already part of the City's plan for conservation for all residents city-wide.

Commissioners asked various detail questions about how often the pool needed to be filled, about evaporation and the pool cover, and the source of trucked in water.

Rick Walton of Lifetime Pools came to the podium for the project applicant and responded to these questions. He explained that a covered pool needed less refilling than uncovered and would need about 1-1.5 inches of water every week or two. No extra retaining wall was needed, based on the soils engineer report. 3800 gallons was the amount of water to be delivered to fill the pool when built.

Next, Chair Mandal opened the public hearing.

Steve Siddel, Milpitas resident, was concerned in the middle of a horrible drought, and recommended to find out how much water was needed to continue filling the pool over time. People with means could buy their way out of a drought but the city needed cooperation from all homeowners. He recommended not to approve this request.

**Motion** to close the public hearing.

Motion/Second: Commissioner Madnawat /Commissioner Maglalang

AYES: 7

NOES: 0

Vice Chair Ciardella noted that homeowners were taking out their lawn and that would be sufficient to cover the 30% reduction requirement.

Commissioner Morris said they needed to be clear on the water usage exactly. There was a need to be clear on the four inches of water needed to refill the pool, and how much that volume was for certain.

Commissioner Madnawat said he could not vote for this pool, due to the very significant drought which was a statewide problem. He would vote no.

Commissioner Sandhu agreed with Mr. Madnawat. Many residents were removing their lawns to have artificial turf installed to save the required water. That was needed since the drought was a California problem.

Vice Chair Ciardella wanted to hear from pool/resident owners. He asked about ½ inch of water and how many gallons that would equate to and wished to learn that from the pool company representative. Mr. Walton responded 250 gallons, per every other week.

Commissioner Madnawat then moved to deny the proposed resolution of approval.

**Motion** to deny Resolution No. 15-022 approving Site Development Permit No. SD15-0003 to allow the construction of a swimming pool and spa on a hillside residential lot subject to the conditions of approval.

Motion/Second: Commissioner Madnawat / Commissioner Sandhu

AYES: 4 (Lien, Morris, Madnawat, Sandhu)

NOES: 3 (Ciardella, Maglalang, Mandal)

**IX-3 AL HILAAL MOSQUE AND COMMUNITY CENTER – 372-374 Turquoise Street – ZA15-0003, UP15-0008:** Applicant has requested a Zoning Text Amendment to conditionally permit religious assembly uses in the Industrial Zones and concurrently requested a use permit for 13,125 sq. ft. religious assembly use at 372-374 Turquoise St.

This item was continued to July 8, 2015.

**IX-4 SPECIAL EVENTS ORDINANCE – ZA15-0004:** A request for a Zoning Text Amendment to adopt new provisions in the Zoning Ordinance to establish review requirements and general regulations for special events and activities.

This item was continued to July 8, 2015.

**ADJOURNMENT** The meeting was adjourned at 8:12 PM to the next meeting scheduled on Wednesday, July 8, 2015.

**Motion** to adjourn to the next meeting on July 8, in memory of those recently killed in South Carolina.

Motion/Second: Commissioner Sandhu / Commissioner Madnawat

AYES: 7

NOES: 0

*Meeting Minutes prepared and submitted by  
Mary Lavelle, City Clerk*